

ASSEMBLY BILL

No. 1824

Introduced by Assembly Member Monning

February 11, 2010

An act to amend Sections 25210 and 25210.1 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1824, as introduced, Monning. Hazardous materials: nonbiodegradable toxic chemicals.

(1) The Hazardous Waste Control Law prohibits the use of a nonbiodegradable toxic chemical in a chemical toilet, recreational vehicle, or waste facility of a vessel and the sale of a nonbiodegradable toxic chemical in a container indicating that the chemical could be used in a chemical toilet, waste facility of a recreational vehicle, or waste facility of a vessel. The hazardous waste control law prohibits the use of halocarbon chemicals and aromatic hydrocarbon chemicals for cleaning or unclogging a sewage disposal system and prohibits the sale of products containing these chemicals in containers that indicate the products may be used for those purposes. A violation of the hazardous waste control law is a crime.

This bill would include certain organic chemicals as a nonbiodegradable toxic chemical for the purposes of the above prohibitions. Because the bill would include specific chemicals as nonbiodegradable toxic chemicals subject to the above prohibition, this bill would enlarge the scope of a crime, thereby imposing a state-mandated local program.

(2) The Hazardous Waste Control Law prohibits the use of halocarbon chemicals and aromatic hydrocarbon chemicals for cleaning or

unclogging a sewage disposal system and prohibits the sale of products containing these chemicals in containers that indicate the products may be used for those purposes.

This bill would include nonbiodegradable toxic chemicals for the purposes of the above prohibitions and would therefore create a new crime, thereby imposing a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25210 of the Health and Safety Code is
2 amended to read:

3 25210. It shall be unlawful, ~~on or after January 1, 1979,~~ to use
4 a nonbiodegradable toxic chemical in a chemical toilet, recreational
5 vehicle, or waste facility of a vessel as the term vessel is defined
6 in the Harbors and Navigation Code, and it shall be unlawful ~~on~~
7 ~~or after January 1, 1979,~~ to sell a nonbiodegradable toxic chemical
8 in a container ~~which~~ *that* indicates that the chemical could be used
9 in a chemical toilet, a waste facility of a recreational vehicle, or a
10 waste facility of a vessel as the term vessel is defined in the
11 Harbors and Navigation Code. The department shall develop and
12 adopt regulations to define nonbiodegradable toxic chemicals
13 *consistent with Section 25210.1* and ~~limitations on that limit the~~
14 ~~sale thereof by June 1, 1978 of nonbiodegradable toxic chemicals~~
15 *consistent with this section.*

16 SEC. 2. Section 25210.1 of the Health and Safety Code is
17 amended to read:

18 25210.1. (a) For purposes of this section, the following
19 definitions shall apply:

20 (1) ~~“Halocarbon chemicals” means chemical compounds which~~
21 ~~contain carbon, and one or more halogens, and which may include~~
22 ~~hydrogen, including, but not limited to, trichloroethane,~~
23 ~~tetrachloroethylene, methylene chloride, halogenated benzenes,~~
24 ~~and carbon tetrachloride.~~

(2)

(1) "Aromatic hydrocarbon chemicals" means chemical compounds containing carbon and hydrogen and at least one six-carbon ring containing double bonds, including, but not limited to, benzene, toluene, and naphthalene.

(2) "*Halocarbon chemicals*" means chemical compounds that contain carbon and one or more halogens, and that may include hydrogen, including, but not limited to, trichloroethane, tetrachloroethylene, methylene chloride, halogenated benzenes, and carbon tetrachloride.

(3) "*Nonbiodegradable toxic chemicals*" include, but are not limited to, any of the following:

(A) 2-bromo-2-nitropropane-1,3-diol, commonly known as bronopol.

(B) 1-(3-chlorallyl)-3,5,7-triaza-1-azoniaadamantane chloride, commonly known as dowicil.

(C) Formaldehyde.

(D) Glutaraldehyde.

(E) Paraformaldehyde.

(F) Para-dichlorobenzene.

(3)

(4) "Sewage disposal system" means a septic tank, cesspool, sewage seepage pit, leachline, or other structure into which sewage is drained for purposes of disposal and which is not connected to a municipal treatment works.

(b) ~~On and after July 1, 1988, no~~ A person shall ~~not~~ use ~~any a~~ product containing halocarbon chemicals ~~or~~, aromatic hydrocarbon chemicals, *or nonbiodegradable toxic chemicals* for the purposes of cleaning or unclogging a sewage disposal system.

(c) ~~On and after July 1, 1988, no~~ A person shall ~~not~~ sell ~~any a~~ product containing halocarbon chemicals ~~or~~, aromatic hydrocarbon chemicals, *or nonbiodegradable toxic chemicals* in a container ~~which~~ *that* indicates that the product may be used for the purposes of cleaning or unclogging a sewage disposal system. The department may adopt regulations regarding the sales of these products for the purposes of this subdivision.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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